

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

BRITISH TELECOMMUNICATIONS PLC,

## Plaintiff and Counterclaims-Defendant

V.

ST-ERICSSON S.A., and  
ST-ERICSSON INC.

## Defendants and Counterclaims-Plaintiffs.

Civil Action No. 1:09-cv-11933-WGY

## ANSWER TO COUNTERCLAIMS

Plaintiff/Counterclaims-Defendant British Telecommunications plc (“BT”) hereby replies to Defendants/Counterclaims-Plaintiffs ST-Ericsson Inc. and ST-Ericsson S.A. (collectively, “ST-Ericsson”) as follows:

## PARTIES

27. BT, upon information and belief, admits that ST-Ericsson Inc. is a corporation organized under the laws of the State of Delaware. BT is without knowledge or information sufficient to form a belief as to the truth of the allegation that ST-Ericsson Inc.'s principal place of business is 7500 Rialto Blvd., Bldg. Two, Suite 200, Austin, TX 78735. BT admits, upon information and belief, that ST-Ericson S.A. is incorporated in Geneva, Switzerland with its principal place of business at 1 Chemin du Champ-des-Filles 39, Case Postale 21, CH-1228 GENEVA, Plan-les-Ouates, Switzerland.

28. Admitted.

**JURISDICTION AND VENUE**

29. Admitted.

30. Admitted.

31. Admitted.

**FACTS**

32. Admitted.

33. Admitted.

34. Admitted.

**COUNT ONE  
(NON-INFRINGEMENT)**

35. BT incorporates by reference its responses to Paragraphs 27 through 34 of ST-Ericsson's Counterclaims as though fully set forth herein.

36. Denied.

37. Denied.

**COUNT TWO  
(INVALIDITY)**

38. BT incorporates by reference its responses to Paragraphs 27 through 34 of ST-Ericsson's Counterclaims as though fully set forth herein.

39. Denied.

40. Denied.

**COUNT THREE  
(UNENFORCEABILITY)**

41. BT incorporates by reference its responses to Paragraphs 27 through 34 of ST-Ericsson's Counterclaims as though fully set forth herein.

42. Denied.

43. Denied.

### REQUEST FOR RELIEF

WHEREFORE, BT respectfully requests that this Court:

- (a) dismiss ST-Ericsson's Counterclaims with prejudice;
- (b) determine that this case is exceptional under 35 U.S.C. § 285 and award BT its attorneys' fees and costs of suit;
- (c) grant BT all relief requested under its Second Amended Complaint; and
- (d) provide BT such additional and further relief as the Court deems proper.

DATED: January 31, 2011

Respectfully Submitted,

/s/ Mark W. Batten

Mark W. Batten BBO# 566211

Proskauer Rose LLP

One International Place

Boston, MA 02110-2600

617.526.9600

[mbatten@proskauer.com](mailto:mbatten@proskauer.com)

**Of Counsel:**

James H. Shalek (*Pro Hac Vice*)

Robert S. Mayer (*Pro Hac Vice*)

Joon R. Yoon (*Pro Hac Vice*)

PROSKAUER ROSE LLP

Eleven Times Square

New York, NY 10036-8299

212.969.3000

[jshalek@proskauer.com](mailto:jshalek@proskauer.com)

[rmayer@proskauer.com](mailto:rmayer@proskauer.com)

[jyoon@proskauer.com](mailto:jyoon@proskauer.com)

*Attorneys for Plaintiff  
British Telecommunications plc*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on January 31, 2011, *Plaintiff/Counterclaims-Defendant British Telecommunications plc's Answer to Counterclaims* was filed via ECF, and will be served electronically upon the registered participants in this action as identified on the Notice of Electronic Filing (NEF).

/s/ Mark W. Batten

Mark W. Batten